

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOEL LNU,
a/k/a "Montilla,"

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY
DOC #:
DATE FILED: 2-27-07

SEALED INDICTMENT

S3 06 Cr. 428 (SWK)

COUNT ONE

The Grand Jury charges:

1. In or about June 2005, in the Southern District of New York and elsewhere, JOEL LNU, a/k/a "Montilla," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOEL LNU, a/k/a "Montilla," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following act, among others, was

committed in the Southern District of New York and elsewhere:

a. On or about June 24, 2005, while in the Bronx, New York, JOEL LNU, a/k/a "Montilla," the defendant, spoke with co-conspirators not named as defendants herein about the armed robbery of two individuals of more than five kilograms of cocaine.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. In or about June 2005, in the Southern District of New York, JOEL LNU, a/k/a "Montilla," the defendant, and others known and unknown, unlawfully, willfully, and knowingly conspired to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, JOEL LNU, and others known and unknown, conspired to commit an armed robbery of suspected narcotics traffickers in the Bronx, New York.

Overt Acts

5. In furtherance of the conspiracy and to effect the illegal object thereof, the following act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about June 24, 2005, while in the Bronx,

New York, JOEL LNU, a/k/a "Montilla," the defendant, spoke with co-conspirators not named as defendants herein about the armed robbery of two individuals of more than five kilograms of cocaine.

(Title 18, United States Code, Section 1951.)

COUNT THREE

The Grand Jury further charges:

6. On or about June 24, 2005, in the Southern District of New York, JOEL LNU, a/k/a "Montilla," the defendant, and others known and unknown, unlawfully, willfully and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby would and did obstruct, delay and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, JOEL LNU, and others known and unknown, attempted to rob two individuals whom they believed were in possession of more than five kilograms of cocaine on Riverdale Avenue in the Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FOUR

The Grand Jury further charges:

7. On or about June 24, 2005, in the Southern District of New York, JOEL LNU, a/k/a "Montilla," the defendant, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of

the United States, namely, the attempted robbery charged in Count Three of this Indictment, did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, which were brandished during the attempted robbery referenced in Count Three.

(Title 18, United States Code, Sections
924(c)(1)(A)(ii) and 2.)


FOREPERSON MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INDICTMENT

S3 06 Cr. 428 (SWK)

(Title 21, United States Code, Section
846; Title 18, United States Code,
Sections 1951, 924(c) and 2.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.
